



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 7, 1998

Ms. M. Patrice Benford
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR98-1157

Dear Ms. Benford:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 115461.

The Dallas Police Department (the "department") received an open records request for all records pertaining to a fatal automobile accident. You seek to withhold the requested information pursuant to section 552.108 of the Government Code because the information "is pending grand jury findings."

Section 552.108(a)(1) of the Government Code excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if release of the information would interfere with the detection, investigation, or prosecution of crime." Because you have informed us that the records at issue pertain to a pending grand jury action, we conclude that you have met your burden of establishing that the release of the requested information at this time could interfere with law enforcement or prosecution. The department therefore may withhold most of the requested information at this time pursuant to section 552.108.

Section 552.108 does not, however, except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the city must release these types of information in accordance with *Houston Chronicle Publishing Company v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Kay Hastings".

Kay Hastings
Assistant Attorney General
Open Records Division

KHH/RWP/rho

Ref.: ID# 115461

Enclosures: Submitted documents

cc: Ms. Michelle Lusk
Touchstone, Bernays, Johnston, Beall & Smith
4700 Renaissance Tower
1201 Elm Street
Dallas, Texas 75270-2196
(w/o enclosures)